

Message

From: Binder, Jonathan [Binder.Jonathan@epa.gov]
Sent: 7/12/2020 9:55:43 PM
To: Siegal, Tod [Siegal.Tod@epa.gov]; Byrne, Andrew [Byrne.Andrew@epa.gov]
Subject: RE: Comments

thanks

From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Friday, July 10, 2020 7:44 PM
To: Byrne, Andrew <Byrne.Andrew@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: RE: Comments

Yes, deleting would be better. Thanks.

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
202-564-5552

From: Byrne, Andrew <Byrne.Andrew@epa.gov>
Sent: Friday, July 10, 2020 4:04 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Subject: RE: Comments

Works for me.

Andy Byrne
American Indian Environmental Office
Office of International and Tribal Affairs
U.S. Environmental Protection Agency
(202) 564-3836 (desk)
(202) 322-8607 (mobile)

Creating Tangible Environmental Results with Tribes
Find out more at www.epa.gov/tribal

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Friday, July 10, 2020 3:55 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>
Subject: RE: Comments

Ex. 5 Deliberative Process (DP)

From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Friday, July 10, 2020 3:30 PM

To: Byrne, Andrew <Byrne.Andrew@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: RE: Comments

If only... Now comes the SAFETEA aspect...

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
202-564-5552

From: Byrne, Andrew <Byrne.Andrew@epa.gov>
Sent: Friday, July 10, 2020 3:27 PM
To: Siegal, Tod <Siegal.Tod@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: RE: Comments

Uh... McGirt was decided yesterday Tod. It's over.

Andy Byrne
American Indian Environmental Office
Office of International and Tribal Affairs
U.S. Environmental Protection Agency
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From: Siegal, Tod <Siegal.Tod@epa.gov>
Sent: Friday, July 10, 2020 3:27 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>
Subject: RE: Comments

I'm buried in McGirt and FMC today. Won't be able to focus on this until the weekend. Sorry.

Tod Siegal
U.S. EPA, Office of General Counsel
Cross-Cutting Issues Law Office
202-564-5552

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Friday, July 10, 2020 3:25 PM
To: Byrne, Andrew <Byrne.Andrew@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Subject: RE: Comments

Thanks. Tod, any thoughts? This will go in the section entitled Significant/Precedential Issues of Federal Environmental Law or Federal Indian Law. Of course, I could push back and say that we haven't include this before. That might be a better approach. Thoughts?

From: Byrne, Andrew <Byrne.Andrew@epa.gov>
Sent: Friday, July 10, 2020 3:15 PM

To: Binder, Jonathan <Binder.Jonathan@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>

Subject: RE: Comments

Thanks JB. I recommend citing the case law and addressing it more head on or being more direct. Am looking for precise language. In particular, "... strongly suggest that there is no specific trust responsibility that would apply to federal agencies in this case" could be tightened up.

Andy Byrne

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U.S. Environmental Protection Agency
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From: Binder, Jonathan <Binder.Jonathan@epa.gov>

Sent: Friday, July 10, 2020 2:56 PM

To: Siegal, Tod <Siegal.Tod@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>

Subject: Comments

Ex. 5 Deliberative Process (DP)

Thanks